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C O N F I D E N T I A L SECTION 01 OF 04 KAMPALA 001074

SIPDIS

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TAGS: [PHUM](#) [PGOV](#) [KDEM](#) [UG](#)

SUBJECT: UGANDA: ABDUCTED AND IMPRISONED JOURNALIST CHARGED
WITH SEDITION

REF: A. KAMPALA 01055

[1](#)B. KAMPALA 01044

[1](#)C. STATE 67260

[1](#)D. HILLSMAN-OJIKUTU EMAILS

Classified By: Pol/Econ Chief Aaron Sampson for
reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: Ugandan authorities released radio host Robert Kalundi Sserumaga on bail on September 15 after charging him with six counts of sedition for comments made during a live September 11 television show. Sserumaga was abducted and imprisoned by the Police Criminal Investigation Division's Intelligence Unit, and claims to have been beaten.

Sserumaga, who is an ethnic Baganda, alleged that the Ugandan government and members of the ruling National Resistance Movement (NRM) were using the September 10-11 riots as a pretext to arrest opposition intellectuals and settle political scores. On September 17, Ministry of Foreign Affairs Permanent Secretary Ambassador James Mugume defended the decision to arrest Sserumaga and close selected radio stations as necessary steps to save Uganda from the same forms of ethnic violence that engulfed Rwanda and Kenya.

As Uganda struggles to balance freedom of expression with public safety, the circumstances of Sserumaga's arrest and the suspension of other journalists show once again that in Uganda, the preservation of peace and security comes first.
End Summary.

Journalist Arrested, Beaten

[1](#)2. (C) Well-known journalist and radio talk show host Robert Kalundi Sserumaga described the circumstances of his arrest and detention to the U.S. Mission officers on September 15 after posting bail to secure his release from custody. Sserumaga was accompanied by family members who have surrounded him to ward off any subsequent attempts to threaten his safety. He appeared with a bandage on his hand where an IV was inserted while receiving care during a brief hospital stay following his arrest, but otherwise showed no outward signs of injury.

[1](#)3. (C) Sserumaga said he was bundled into an unmarked vehicle by pistol-wielding plain-clothed assailants as he departed the studios of WBS-TV on the evening of September 11. Sserumaga had just finished recording a live television talk show on the September 10-12 riots which left, at last count, 24 dead and more than 100 injured (refs A and B for background). Restrained by three men in the back of the sedan, Sserumaga said he struggled with his captors while the vehicle drove through Kampala. Sserumaga said his attempts to kick the vehicle's automatic gear shift out of gear and open the car doors forced the security agents to sit on him, hold down his arms and legs, push his head back, and choke him.

When he realized that the vehicle was no longer heading in the direction of Kampala's Central Police Station, Sserumaga said he demanded to go to a police station.

¶4. (C) Instead his captors delivered him to what Sserumaga described as an unmarked derelict police station that had a newly-painted interior. There, he was locked in a constantly illuminated, windowless cell with 26 others. His cell mates included shirtless men caught up in post-riot sweeps of the city, and a local government official arrested at gun-point in his pajamas after police lured him outside to help "resolve" a neighborhood dispute. The prisoners suspected two other inmates of being government informants deliberately placed in the cell. Sserumaga described a young male inmate who seemed to have a broken leg and was so badly beaten around his face that he could not lay his head on the cell's cement floor. Sserumaga let the boy use his leg as a pillow.

¶5. (C) Sserumaga and other prisoners were occasionally removed from the cell to undergo questioning, beatings, and what Sserumaga described as clumsy forms of intimidation. Sserumaga was unable to ascertain what branch of the Ugandan security services had arrested him as his captors wore no uniforms or insignias. His family, meanwhile, posted news of his disappearance on the internet, contacted international journalist protection groups, and spoke with the Irish Ambassador to Uganda (Sserumaga is reportedly a dual Ugandan-Irish national). Sserumaga's brother attributed his eventual transfer to a real police station on September 12 to a telephone call by the Irish Ambassador and the international response to Sserumaga's arrest. Sserumaga was subsequently moved from police custody to a local hospital to

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undergo routine medical observation for a suspected concussion.

Police Tactics

¶6. (C) Inspector General of Police, Maj. Gen. Kale Kayihura, personally assured Sserumaga's family on September 12 that Sserumaga was in police custody at a "gazetted," meaning an officially recognized, police station. However, family members who later tried to find the police station with the help of local taxi drivers were unsuccessful. Member of Parliament Beti Olive Namisango Kamywa, who provided the collateral required for Sserumaga to post bail, told the Embassy that the building where Sserumaga was originally detained was an un-gazetted "safe house."

¶7. (C) Sserumaga said he initially thought he had been arrested by the Joint Anti-Terrorism Task force (JATT). Gen. Kayihura, however, said the JATT did not participate in Sserumaga's arrest and that Sserumaga had been in police custody since his initial arrest. On September 16, presidential advisor Moses Byaruhanga said Sserumaga was arrested by the Intelligence Unit under the Police's Criminal Investigation's Division (CID). The Intelligence Unit is led by David Magara, a known human rights offender (refs C and D).

¶8. (C) Sserumaga believes the government and the NRM are using the September 11-12 riots as a pretext to round up intellectuals and those critical of the government. He noted that the Local Council Chairman he met while in the Intelligence Unit's safe house belonged to the opposition Democratic Party (DP) and had recently tried to blow the whistle on local NRM officials who were creating fake villages to which they could assign phantom polling places for the 2011 elections. On September 15, Museveni said he had ordered the arrest of DP publicity secretary Betty Namboze for inciting rioters. Sserumaga's brother said he had spoken to Namboze from where she is currently hiding to avoid arrest.

Another Museveni Critic Charged with Sedition

¶9. (C) Authorities warned WBS-TV that the station risks closure if it released recordings of the September 11 talk show. The Ugandan Broadcasting Council suspended indefinitely the talk show's host, Peter Kibazo, and one other guest who appeared on the September 11 show. The Mission obtained a copy of the show on September 14 from an official at the Ugandan Broadcasting Council.

¶10. (C) During the show, in addition to describing the Government of Uganda as a colonial occupying force in Buganda, Sserumaga questioned President Museveni's upbringing and integrity. "Are we dealing with seriously well-formed people," asked Sserumaga of the President and NRM senior leaders, "or are we dealing with people who are suffering from a poor upbringing?" At another point Sserumaga said Museveni resorted to the use of force "because of poor upbringing and thinking that he can always fool people."

¶11. (C) Sserumaga also challenged Museveni's frequent refrain about his 1993 decision to personally restore Uganda's traditional Kingdoms by arguing that it was the Buganda who enabled Museveni to found the NRM. Sserumaga then wondered why none of the Baganda leaders who joined with Museveni in the 1960s and 1970s survived while many of Museveni's closest allies from western Uganda did. He also accused Museveni of conniving to secure oil rights in the western Uganda region of Bunyoro and encouraged the people of Bunyoro to "wake up". When asked by moderator Peter Kibazo - now indefinitely suspended by the Uganda Broadcasting Council - if he could identify any positive conclusions to the two days of rioting, Sserumaga - who is himself a Baganda - facetiously said it was "good news" Ugandans from all over Uganda could unite to repress the Baganda.

¶12. (C) Authorities have charged Sserumaga with six counts of sedition based on these comments and ordered him to surrender his passports. Sserumaga denied the charges, saying he had no intention of inciting hatred against the President. Member of Parliament Kanya, who is facing a sedition charge of her own stemming from a January 2008 newspaper article, noted that the government will not be able to prosecute Sserumaga until the Constitutional Court rules on a challenge

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over the constitutionality of the sedition and sectarian clauses located in Sections 39-41 of Uganda's penal code. The court challenge, which was initiated by The Independent editor Andrew Mwenda, has been pending since 2005 when Mwenda was charged with 15 counts of sedition. Mwenda was arrested and charged with sedition again just last month after The Independent published a cartoon of Museveni reviewing a checklist for rigging the 2011 elections.

¶13. (C) With the constitutional challenge to the sedition law still unresolved, sedition charges can be a de facto form of systematic harassment as those charged are required to report once or in some cases twice a month to local authorities. Those who have had their passports confiscated and wish to travel abroad must go through a prolonged process to request their passport's return. Those who still retain their passports, like MP Kanya, must also obtain official permission to leave Uganda.

MFA: Uganda is not Rwanda or Kenya

¶14. (C) On September 17, Ministry of Foreign Affairs Permanent Secretary Amb. James Mugume defended Sserumaga's arrest, the response of Ugandan security forces to the rioters, and the closure of four local radio stations. He stressed that there are more than 50 radio stations in

Kampala and over one hundred across Uganda and that the Uganda Broadcasting Council had zeroed in on just four for inciting violence. Amb. Mugume said authorities warned the Buganda-run Central Broadcasting Service (CBS) radio to curb ethnic hate speech well before last week's riots, and that Uganda moved quickly to shut the station down once it was clear CBS was inciting listeners not only to riot but also to single out non-Baganda for harassment or worse. Mugume said Sserumaga's televised comments in on September 11 contained many of the same code words, albeit in English rather than Luganda, used by Baganda radio to encourage acts of violence and ethnic division.

¶15. (C) Referring specifically to Rwanda and Radio Mille Collines, Mugume noted that the international community did not realize that Rwandan radio stations were inciting genocide until it was too late. Mugume said the Ugandan government believed that without immediate action to quell the violence and the radio stations inciting it, the riots would quickly escalate out of control. "If the killing of police officers had continued," said Mugume, "it would have been mayhem." Mugume reiterated an offer by Minister of Foreign Affairs Sam Kutesa and the Inspector General of Police to provide English language transcripts of selected CBS broadcasts (septel). He said he understood the U.S. and European interest in encouraging Uganda to consolidate democratic gains and respect freedom of expression, but said that if Uganda moved as quickly as the West would like, Uganda could lose the gains it has achieved over the last 20 years. Observing that Kenya nearly "lost it" in 2007-2008, Mugume said Uganda was determined not to make the same mistakes. He also appealed to the U.S. Mission to ensure that Washington understood the internal calculations behind the Ugandan government's response to the September 10-12 riots.

Comment: Balancing Press Freedoms with Public Safety

¶16. (C) Ugandan officials explained the crack down on independent media and the closing of radio stations as a necessary step to muffle ethnically charged "hate speech" and prevent further riots. This argument may be a valid point leading to the closure of the Buganda-run CBS radio, as there are numerous reports linking violent rhetoric emanating from the Luganda-language CBS to the intimidation and harassment of western Ugandans and Asians. Following the riots, members of our locally employed staff reported witnessing attempts to identify, humiliate and physically threaten people from Museveni's region of western Uganda. The government now faces a delicate balancing act with CBS, as some Buganda are threatening further violence if CBS is not restored. But turning the station back on could result in renewed ethnic vitriol.

¶17. (C) Peter Kibazo, the suspended television talk show host who moderated the discussion that landed Sserumaga in hot water, told the U.S. Mission that the government needed to take CBS radio off the air to preserve the peace. He

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described other closed radio stations and suspended journalists - including himself and Sserumaga - as "collateral damage." Sserumaga's arrest, other journalist suspensions, the arrest of Democracy Party MP Issa Kikungwe, and the arrest warrant for DP publicity secretary Betty Namboozie for inciting riots and hatred suggest a diminished willingness on the part of the Ugandan government to tolerate dissent. Ironically, the local and international backlash against Museveni's media crackdown may provide cover for the small number of ethnic Baganda extremists who actually are trying to incite ethnic violence.
LANIER